BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

IN THE MATTER OF:

STEPHEN MCKAY, D.O.,
Holder of License No. 3941

For the practice of osteopathic medicine in the State of Arizona

Case No.: 3955

ORDER FOR SUMMARY SUSPENSION OF LICENSE

INTRODUCTION

The above-captioned matter came before the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") for review at an emergency Board meeting on September 29, 2007. After reviewing relevant information and deliberating, the Board considered proceedings for summary action against the license of Stephen McKay, D.O. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Interim Conclusions of Law and Order for Summary Suspension of License No. 3941, pending formal hearing or other board action. A.R.S. § 32-1855 (C).

The Respondent did not appear before the Board and was not represented by legal counsel.

JURISDICTIONAL STATEMENT

- The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
- Respondent holds license No. 3941 issued by the board to practice as an osteopathic physician.

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INTERIM FINDINGS OF FACT

- Information was brought to the attention of the Board on or about September 26,
 that the Respondent was the main subject of a criminal investigation by the Prescott Police
 Department identified as D.R. Case#: 07-35251.
- 4. The allegations indicate that Respondent may have illegally diverted prescription medications for personal use by forging another physician's prescription form and submitting it to a CVS Pharmacy.
- The allegations also indicate that Respondent may have been illegally prescribing medication to others, including his wife, for personal use and illegal sales.

INTERIM CONCLUSIONS OF LAW

- The conduct described in Interim Findings of Fact 3 through 4 herein constitutes unprofessional conduct as defined by the following A.R.S. § 32-1854 subsections:
 - (3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.
 - (5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.
 - (6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.
 - (22) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.
 - (23) Prescribing controlled substances to members of one's immediate family unless there is no other physician available within fifty miles to treat a member of the family and an emergency exists.
 - (38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.
 - (39) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

FINDING OF EMERGENCY

 Based upon the foregoing Interim Findings of Fact and Interim Conclusions of Law the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1855 (C). 2

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<u>ORDER</u>

Pursuant to the authority vested in the Board, and based upon the Interim Findings of Fact and Interim Conclusions of Law, IT IS HEREBY ORDERED THAT:

- License No. 3941, issued to Stephen McKay, D.O. ("Respondent"), pursuant to A.R.S.§ 32-1855 (C) and A.R.S. § 41-1092.11 (B), shall be SUMMARILY SUSPENDED from practicing Osteopathic medicine pending a formal hearing before the Board.
- Service of this Order is effective upon either personal delivery or the date of mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the board. See A.R.S. § 31-1855(F).



ISSUED THIS DAY OF OCTOBER, 2007.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

Original "Summary Suspension of License" filed this graph day of October, 2007 with the:

Arizona Board of Osteopathic Examiners In Medicine and Surgery 9535 East Doubletree Ranch Road Scottsdale AZ 85258-5539

Copy of the foregoing "Summary Suspension of License" sent via certified, return receipt requested this ____ day of October, 2007 to:

Frederick M. Cummings, Esq. Attorney for Stephen McKay, D.O. Jennings, Strouss & Salmon, PLC 201 East Washington Street, 11th Floor Phoenix, AZ 85004-2385

Stephen McKay, D.O. 807 Country Club Drive Prescott, AZ 86303 Copies of the foregoing "Summary Suspension of License" sent via regular mail this 1974 day of October, 2007 to: Blair Driggs, AAG Office of the Attorney General CIV/LES 1275 West Washington Phoenix AZ 85007